



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 1, 2005 EFFECTIVE DATE April 16, 2005	CONTACT/PHONE Inge Lundegaard 805-781-5136	APPLICANT Stahl, Bradford	FILE NO. DRC2003-00170
SUBJECT Request by Bradford Stahl for a Minor Use Permit to allow the conversion of use of an existing barn structure with a first floor garage and second floor primary residence (750 square feet) to a first floor garage and a second floor secondary dwelling (remaining 750 square feet), and allow the construction of a new primary residence approximately 140 feet from the secondary dwelling. The proposed project includes tree protection and site disturbance limits. The project will result in the disturbance of approximately 4,100 square feet of a 2.51 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 1006 Cougar Creek Way, Arroyo Grande. The site is in the San Luis Bay planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2003-00170 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption (ED# 04—408) was issued on March 9, 2005			
LAND USE CATEGORY Residential, Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 044-501-040	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: 22.106.020 – San Luis Bay Area Rural Area Standards, 22.106.030 – Arroyo Grande Fringe <i>Does the project meet applicable Planning Area Standards: Yes</i>			
LAND USE ORDINANCE STANDARDS: 22.30.470 – Residential – Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards: Yes</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on April 16, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: One barn structure with garage and residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Residential Suburban/residences East: Residential Suburban/residences</i> <i>South: Residential Suburban/residences West: Residential Suburban/residences</i>			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Ag Commissioner, CDF, RWQCB, City of Arroyo Grande	
TOPOGRAPHY: Level to gently rolling	VEGETATION: Oaks, grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: November 23, 2004

DISCUSSION

PROJECT HISTORY

The site has an existing 2,350 square foot barn structure with 1600 square foot garage first floor and 750 square foot single-family residence on the second floor. Construction permit #A3818, permitted October 1999.

PLANNING AREA STANDARDS:

As proposed all standards for §22.106.030 – Arroyo Grande Fringe Area and §22.106.020 – San Luis Bay Rural Area

LAND USE ORDINANCE STANDARDS:

As proposed the project meets all standards of §22.30.470 Residential- Secondary Dwelling except for § F.2(b) – Design Standards.

Secondary Dwelling Adjustments are requested to modify the distance the secondary dwelling can be located from the primary dwelling. §22.30.470 F.2(b) states that the secondary dwelling shall be located within 50 feet of the primary. The proposed secondary is on the second floor of the existing barn structure. The site of the proposed new primary residence is approximately 140 feet from the proposed secondary. The location of the primary residence is best suited in its proposed location, in-order to preserve existing mature oak trees.

All other standards are meet.

STAFF COMMENTS:

With regard to impacts on neighboring cities such as Arroyo Grande, no fee schedule has been adopted by the Board of Supervisors which addresses the issue of development impacts from county projects to incorporated cities as well as city project impacts to county services. Until a fee schedule is adopted, current mutual aid practices are in place to address fire and police services, and county road fees are required to provide regional traffic funding.

COMMUNITY ADVISORY GROUP COMMENTS:

AGENCY REVIEW:

Public Works- Recommend Approval

CDF - no Comment
City of Arroyo Grande – Request fire and traffic impact be paid to city

LEGAL LOT STATUS:

The single lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Inge Lundegaard and reviewed by Kami Griffin

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project as proposed involves the conversion of use of a small structure and the permitting of a new primary single-family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the conversion of the primary residence to a secondary unit and the development of a single family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single family home and secondary unit is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Cougar Creek Way, a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

- Y. Modification of the distance a secondary dwelling can be located from a primary dwelling from 50 feet to allow a secondary dwelling to be located approximately 140 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard ineffective. These conditions consist of the proposed secondary is an existing structure that is currently the primary residence. The site of the new primary residence is best suited in its proposed location to preserve existing oak trees.
- Z. Waiver of the requirement to have the secondary dwelling use the same design style as the primary dwelling is justified because the secondary is an existing building that is designed to resemble the historic barns of the area.

EXHIBIT B - CONDITIONS OF APPROVAL

These are a bare bones starting point

Approved Development

1. This approval authorizes:
 - a. The conversion of use of an existing barn structure with a first floor garage and second floor primary residence (approximately 750 square feet) to a first floor garage and a second floor secondary dwelling (remaining approximately 750 square feet),
 - b. the construction of a new primary residence approximately 140 feet from the secondary dwelling.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, submit a revised ***site plan*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Indicate on the site plan the proposed tree protection area by indicating location of tree protection fences
 - b. Indicate on the site plan the proposed approximate 20 foot grading and landscaping boundary by indicating building site disturbance limits.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 12, 2004.

Services

5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

8. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

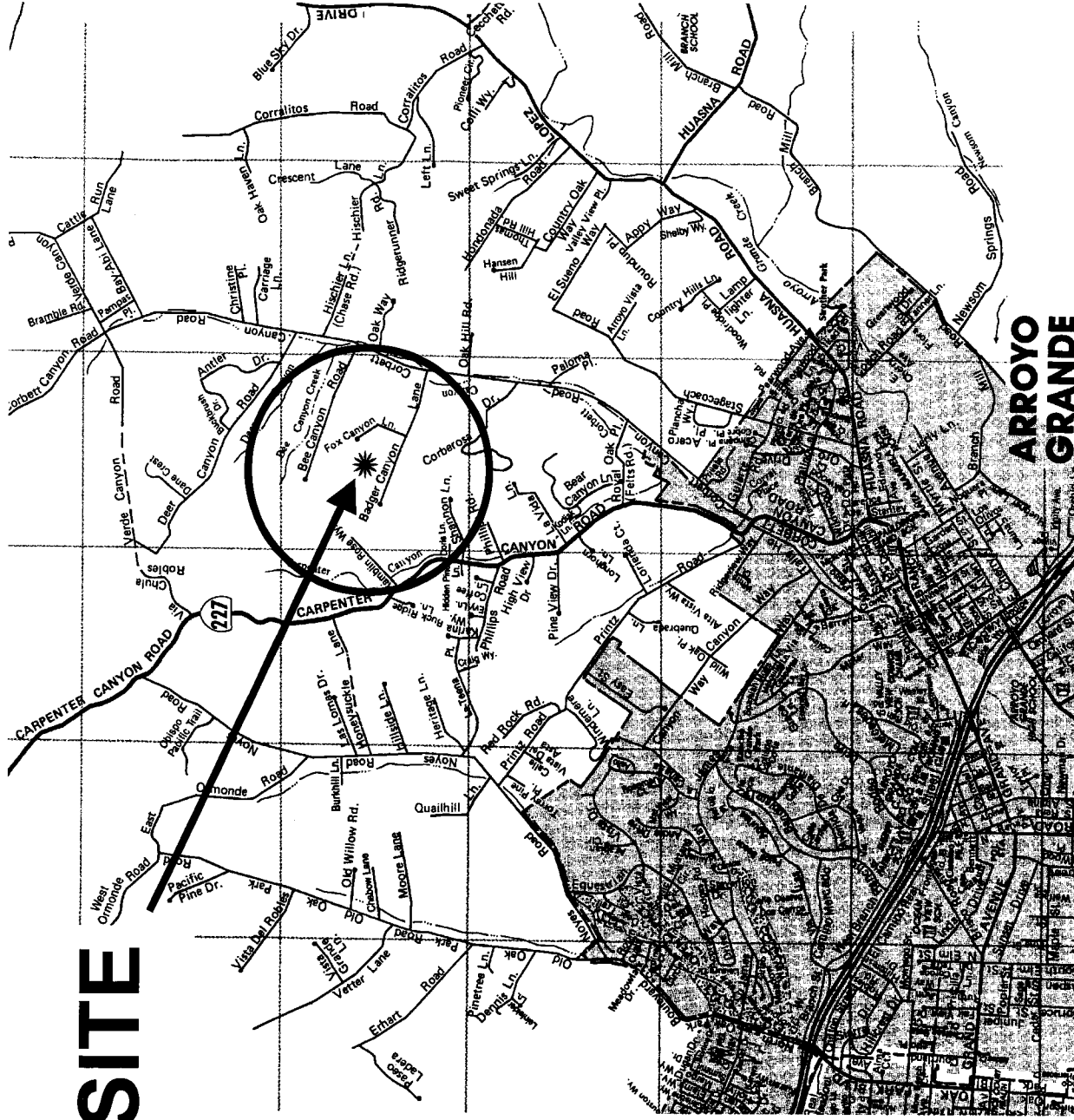
Conditions to be completed prior to occupancy or final building inspection

10. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
11. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

SITE



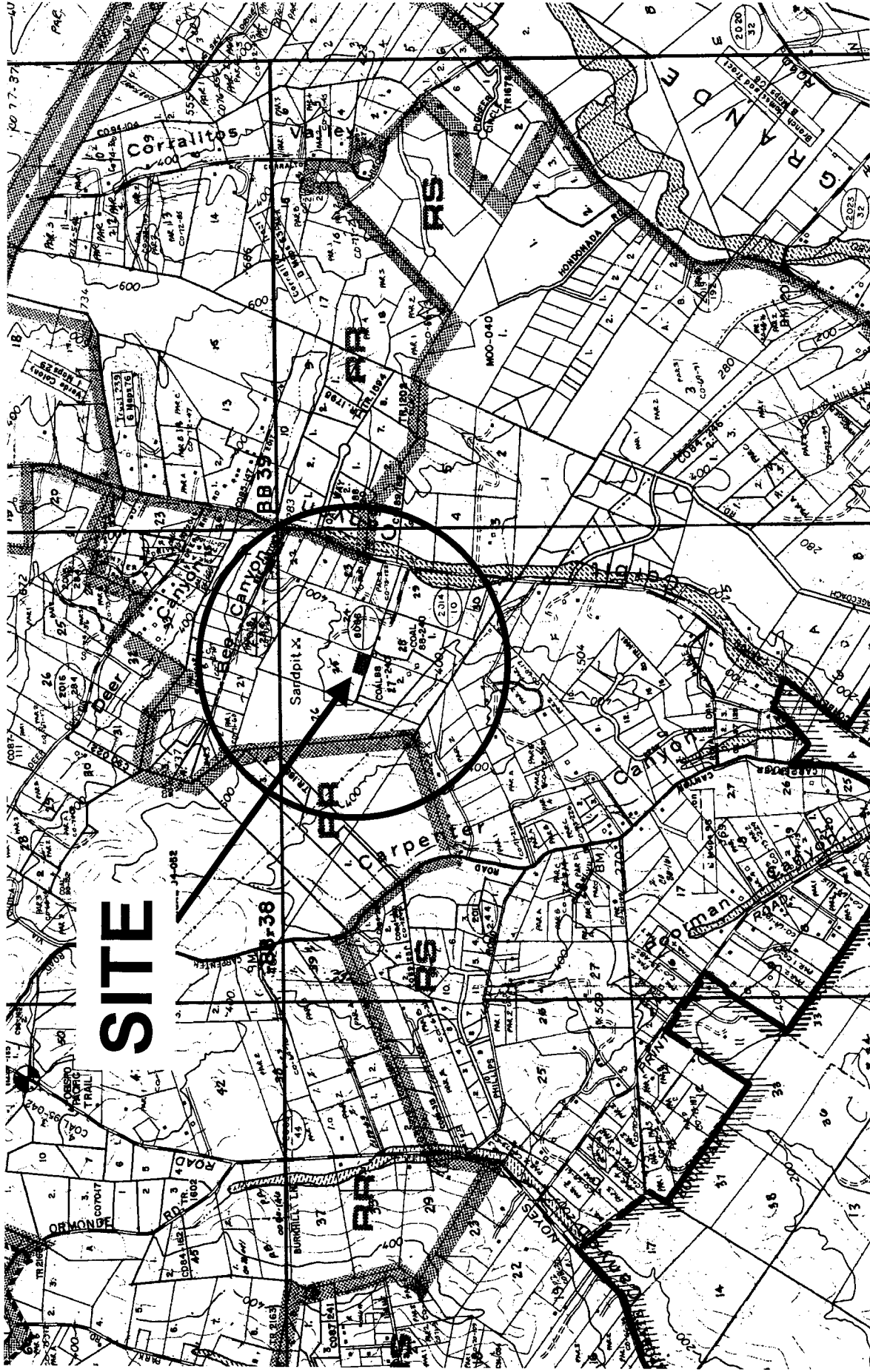
PROJECT

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EXHIBIT

Vicinity Map





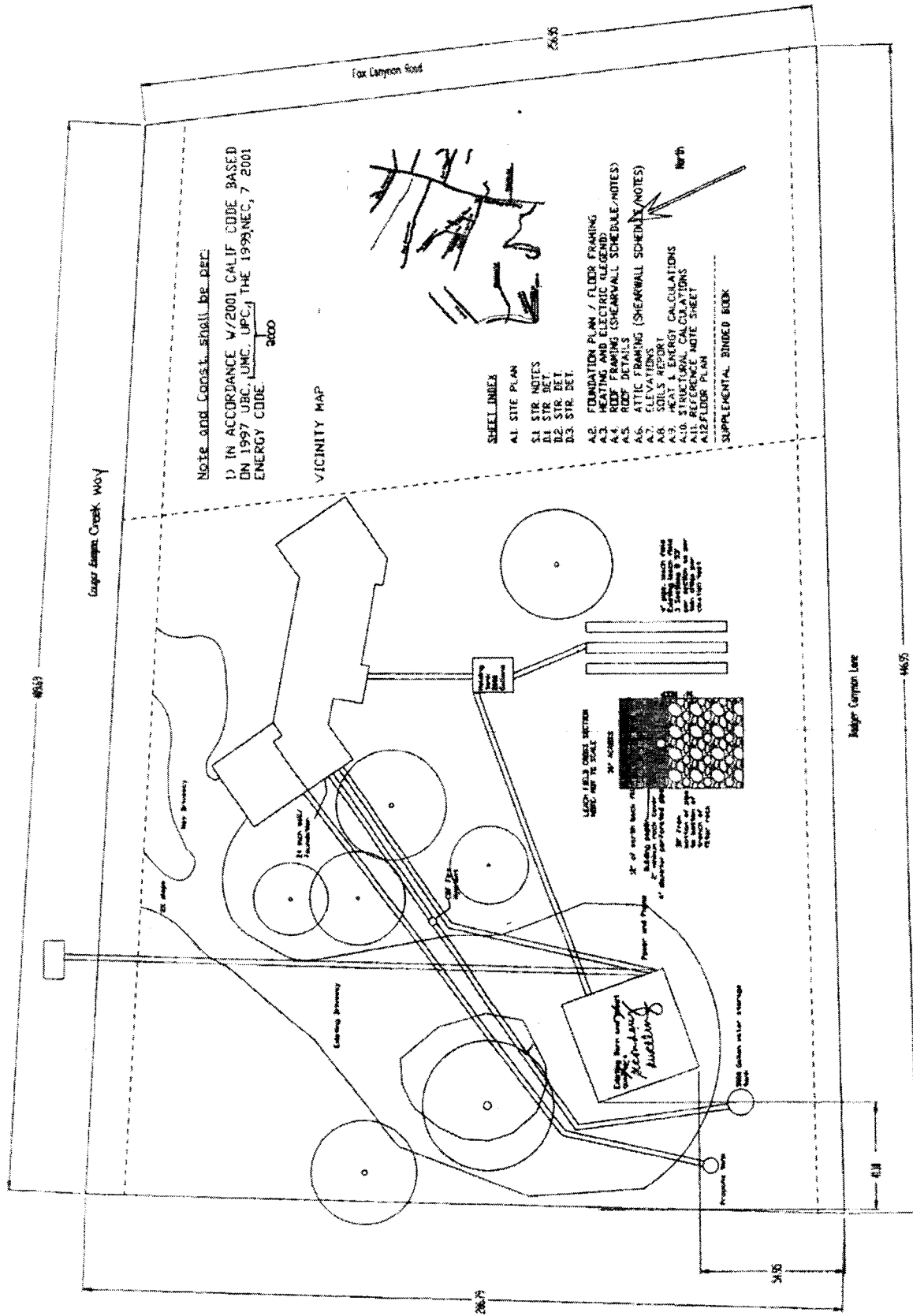
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EXHIBIT

Land Use Category Map-RS





PROJECT

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EXHIBIT

Aerial Photo

